



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 04, 2014

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the First Chairperson
4. **THE CENTRAL BANK (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.32 OF 2014)**
Question put and agreed to
Bill read a Second Time and committed to a Committee of the Whole House tomorrow.
5. **THE SCRAP METAL BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2014)**
Question put and agreed to;
Bill read a Third Time and **passed**.
6. **THE KENYA QUALIFICATIONS FRAMEWORK BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2014)**
Question put and agreed to;
Bill read a Third Time and **passed**.
7. **COMMITTEE OF THE WHOLE HOUSE**
Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Environmental Management & Co-ordination (Amendment) Bill, 2014 (National Assembly Bill No. 31 of 2014)

Application of S.O 133(5)

Pursuant to the provisions of Standing Order 133(5), the Chairperson declared as inadmissible, all amendments proposed by the Chairperson of the Departmental Committee on Health to the Bill as published in the Order Paper.

Clauses 3, 4 & 5 - agreed to

Clause 6 - amendment proposed -

THAT, the Bill be amended by deleting Clause 6 and substituting therefor the following new Clause —

6. Section 5 of the principal Act is amended by—

(a) deleting the word " Council" and substituting therefor the words " Cabinet Secretary"

(b) inserting the following new paragraph immediately after paragraph (c) —

(ca) provide evidence of public participation in the formulation of the policy and the environmental action plan.

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

Clauses 7 & 8 - agreed to

Clause 9 - amendment proposed -

THAT, clause 9 of the Bill be amended by—

(a) inserting the following new paragraph immediately before paragraph (a) —.

"(aa) by inserting the following new paragraph immediately after paragraph (b)—

(ba) audit and determine the net worth or value of the natural resources in Kenya;"

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clauses 10, 11, 12, &13 - agreed to

Clause 14 - amendment proposed -

THAT, clause 14 of the Bill be amended inserting the following new paragraph immediately after paragraph (b) —

(c) in sub-section 4 by inserting the words "issuance of certification, incentives," immediately after the words "capacity building".

(Chairperson, Departmental Committee on Environment & Natural Resources)

Proposed amendment withdrawn;

Clause 14 - agreed to

Clauses 15, 16 & 17 - agreed to

Clause 18 - amendment proposed -

THAT, clause 18 of the Bill be amended —

(a) in the new section 29 (2) by inserting the words " shall be the secretary to the County Environmental Committee" immediately after the words " within the county" appearing in paragraph (b); and

(b) by deleting paragraph (c).

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - amendment proposed -

THAT, clause 19 be amended in the new section 20 by inserting the following new paragraph immediately after paragraph (a)—

"(aa) develop county strategic environmental action plan every five years"

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed -

THAT, the Bill be amended by deleting clause 20 and substituting therefor the following new clause —

20. The principal Act is amended in section 31 by deleting the words "Public Complaints Committees" wherever it appears and substituting therefor the words "National Environmental Complaints Committee".

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

Clause 21 - amendment proposed -

THAT, clause 21 of the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Section 32 is amended by—

- (a) deleting the word "complaints Committee " wherever it appears and substituting therefor the words "National Environmental Complaints Committee".
- (b) inserting the following paragraph immediately after paragraph (b)—

"(ba) undertake public interest litigation on behalf of the citizens in environmental matters"

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to.

Clause 22 - amendment proposed -

THAT, clause 22 of the Bill be amended by deleting the word "department" wherever it appears and substituting therefor the words "National Environmental Complaints Committee".

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to.

Clause 23 - amendment proposed -

THAT, clause 23 of the Bill be deleted

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 23 - deleted

Clause 24 - amendment proposed -

THAT, clause 24 of the Bill be deleted.

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 24 - deleted

Clause 25 - amendment proposed -

THAT, clause 25 of the Bill be deleted.

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Clause 25 - deleted

Clauses 26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44 & 45 - agreed to

Clause 46 - amendment proposed -

THAT, Clause 46 of the Bill be amended in paragraph (c) by inserting the following new sub-sections immediately after sub-section (6A) —

“(6A) The Cabinet Secretary shall make Regulations for the accreditation of experts on environmental impact assessments.

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 46 – as amended agreed to.

Clauses 47, 48, 49, 50, 51 & 52 – agreed to

Clause 53 – amendment proposed –

THAT, clause 53 of the Bill be amended by inserting the following new sub-clause in the new section 71—

(2) The Authority shall consult and take into consideration the views of lead agencies before making the recommendations under subsection (1).

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 53 – as amended agreed to.

Clauses 54 & 55 – agreed to

Clause 56 – amendment proposed –

THAT, Clause 56 of the Bill be amended by inserting the following new sub-clause in the new section 78—

(2) The Authority shall consult and take into consideration the views of lead agencies before making the recommendations under subsection (1)

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 56 – as amended agreed to.

Clauses 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 & 83 – agreed to

Second Schedule – agreed to.

Clause 2 - amendment proposed -

THAT, Clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence –

“person” means a legal person;

(Chairperson, Departmental Committee on Environment & Natural Resources)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Clause 1 - agreed to

Title - agreed to

Bill to be reported with amendments;

8. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

Bills reported with amendments;

The Environmental Management & Co-ordination (Amendment) Bill, 2014 (National Assembly Bill No.31 of 2014)

Motion made and Question proposed -

THAT, the House do agree with the Committee of the whole House in the said report

(The Leader of the Majority Party)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Environmental Management & Co-ordination (Amendment) Bill, 2014 (National Assembly Bill No.31 of 2014) be now read a Third Time.

(The Leader of the Majority Party)

Debate arising;

Question of the Third Reading deferred

9. **THE MILITARY VETERANS BILL (NATIONAL ASSEMBLY BILL NO.34 OF 2013)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Military Veterans Bill (National Assembly Bill No.34 of 2013) be now read a Second Time

(Hon. Adan Keynan)

Debate arising;

Question of the Second Reading deferred

And the time being forty minutes past Twelve O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. HOUSE ROSE - at Forty Minutes past Twelve O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, December 04, 2014 at 2.30 p.m.

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